

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

BAMIDELE AIYEKUSIBE, MISCHELE  
HIGGINSON and SHANTAL BROWN-  
WINN, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

Case No.: 2:18-cv-816-FtM-38MRM

THE HERTZ CORPORATION and DTG  
OPERATIONS, INC.,

Defendants.

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**REPORT AND RECOMMENDATION**

Before the Undersigned is the parties' Notice of Filing Joint Amended Proposed Notice, which the Undersigned construes as a motion seeking approval of the parties' Joint Amended Proposed Notice. (Doc. 125). The Undersigned entered a Report and Recommendation recommending that the parties be required to amend their previous notice (Doc. 87) to include certain language advising opt-in plaintiffs of their potential liabilities for a prevailing defendant's taxable costs (Doc. 117 at 11-12). The presiding United States District Judge accepted and adopted the Report and Recommendation, ordering the parties to submit an amended proposed notice consistent with her Order (Doc. 123) and the Report and Recommendation (Doc. 117).

Here, a review of the parties' Amended Proposed Notice shows the parties have satisfactorily included language regarding an opt-in plaintiff's potential liability. (*See* Doc. 125-1 at 4). Moreover, this language is contained in a section titled "Your Legal Rights & Options" thereby making it abundantly clear what liabilities a potential opt-in plaintiff may have if he or

she chooses to join this action. Therefore, the Undersigned respectfully recommends the Court approve the parties' Joint Amended Proposed Notice. (Doc. 125-1).

### **CONCLUSION**

Based upon the foregoing, the Undersigned **RESPECTFULLY RECOMMENDS** that the parties' Notice of Filing Joint Amended Proposed Notice (Doc. 125), which the Undersigned construes as a motion seeking approval of the parties' Joint Amended Proposed Notice (Doc. 125-1) be **APPROVED**.

**RESPECTFULLY RECOMMENDED** in Chambers in Ft. Myers, Florida on March 12, 2020.

  
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MAC R. MCCOY  
UNITED STATES MAGISTRATE JUDGE

### **NOTICE TO PARTIES**

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1.

Copies furnished to:

Counsel of Record  
Unrepresented Parties

